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S	M-3415US
EXAMINER	
PEESO, T	
ART UNIT	PAPER NUMBER

2414

DATE MAILED:

07/09/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1, 11 are rejected.
5. ☒ Claims 2-10 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Drawings

15. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

17. Claims 1 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,398,079 to Leu et al.

As per claims 1 and 11, Leu et al. disclose a first interpolation element (A first interpolation control signal "A" is input at terminal 52, col. 11, line 25) for receiving pixel data (partially motion compensated block 20ais interpolated , col. 6, line 52) wherein the first interpolation element averages data from the first pixel with that of a second

adjacent pixel (a subset of pixels is chosen from the selected plurality of sub-blocks for use in interpolating pixels, col. 4, line 15), a second interpolation element which averages the first interpolation with data adjacent in a second direction (The interpolation is performed by averaging pairs of horizontally adjacent blocks, col. 6, line 55), a selector element (selecting four pixels from said subset of pixels for use in interpolating a current frame pixel, col. 12, line 49). Leu et al. do not disclose items a-c. Selecting devices are commonly used in the art to provide outputs of selected signals chosen from among a variety of signals. It would have been obvious to a person having an ordinary level of skill in the art at the time the invention was made to have included this feature in the system disclosed by Leu et al. since it provides for a method of discriminating between signals available from a source and providing them to a particular destination.

Allowable Subject Matter

18. Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Keating et al. disclose Motion Dependent Video Signal Processing.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Thomas Peeso whose telephone number is (703) 305-9784. The examiner can normally be reached on Monday -Thursday from 7am to 5pm. The examiner can also be reached on alternate Fridays.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Emanuel Voeltz, can be reached on (703) 305-9714. The fax phone number for this Group is (703) 305-95[64,65].

22. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Thomas R. Peeso
Patent Examiner
Art Unit 2414
1 Jul 96